REMARKS

Reconsideration of the referenced application is respectfully requested in view of the foregoing amendments and the following remarks.

Status of the Application

Claims 37-53, 56-61 and 72 are under examination. Claims 1-36 have been canceled without prejudice, and claims 54, 55 and 62-71 have been withdrawn.

Amendments

Claims 37, 39-46, and 72 have been amended, and claims 73-76 are new. As these amendments and claims are fully supported by the application as filed, no new matter has been introduced into the application by way of these amendments.

Summary of the Office Action

The Office Action opens by rejecting claims 37-53, 56-61 and 72 under 35 U.S.C. § 102(b) as anticipated by Garratt et al. [Garratt, Peter J, Mapping the Melatonin Receptor. 3. Design and Synthesis of Melatonin Agonists and Antagonists Derived from 2-Phenyltryptamines, Journal of Medicinal Chemistry, 38(7) (1995)].

Claims 37-53, 56-61, and 72 are also rejected as anticipated under 35 U.S.C. § 102(b) by the following six prior art references:

a. Chen, Jia Jun, *Synthesis of 2-Iodo and 2-Phenyl –[^{11}C]melatonin: Potential PET Tracers for Melatonin Binding Sites*, Applied Radiation and Isotopes, 49(12) (1998), 1573-1579, at 1577, Figure 5.

b. Sastre, J.A. Lopez, *Biological activity of melatonin and some analogous: geometrical and electrical requirements*, Journal of Molecular Structure (Thermochem) 53, (2001), 271-281, at 274, compound 1.

c. Spadoni, Gilberto, *2-Substituted 5-Methoxy-N-acyltryptamines: Synthesis, Binding Affinity for the Melatonin Receptor, and Evaluation of the Biological Activity*, Journal of Medicinal Chemistry, 36, (1993), 4069-4074, at 4070, compounds 4d and 4g.

d. Mor, Marco, *Synthesis, Pharmacological Characterization and QSAR Studies on 2-Substituted Indole Melatonin Receptor Ligands*, Bioorganic and Medicinal Chemistry, 9 (2001) 1045-1057, at 1047, Table 1, compound 5j.

e. Ito, Satoru, *Acetone-Sensitized Photocoupling of 5-Bromouridine to Tryptophan Derivatives via Electron-Transfer Process*, Journal of American Chemical Society, 102 (1980) 7535-7541, at 7539, scheme 4, compound 19.

f. Rivara, Silvia, *Three-Dimensional Quantitative Structure—Activity Relationships Studies on Selected MT_1 and MT_2 Melatonin Receptor Ligands: Requirements for Subtype Selectivity and Intrinsic Activity Modulation*, Journal of Medicinal Chemistry, 46(2003) 1429-1439, at 1430, Table 1, compound 1-10-4, 1-10-13, 1-10-17, 1-10-18, 1-10-19, 1-10-20, 1-10-21, and 1-10-22.

Discussion of the Rejection Under 35 U.S.C. § 102(b)

Applicants respectfully submit that none of the cited references anticipate the claims as currently pending.

Independent claims 37 and 72 require R_1 to be a halogen or nitro (claim 37) and a halogen (claim 72), respectively. In marked contrast, the cited references fail to identify or describe a compound which includes, *inter alia*, a R_1 substituent as described in the pending claims, let alone disclose or teach that such a position may be substituted. On the contrary, all of the compounds disclosed in the cited prior art include an unsubstituted indole nucleus. It is clear that none of the references can be said to disclose or suggest the claimed subject matter which includes compounds substituted at the R_1 position by a halogen or a nitro. Claims 37 and 72, and those dependent thereon, are thus patentable over the prior art of record.

For at least the foregoing reasons, Applicants respectfully request withdrawal of the anticipation rejections.

Conclusion

Applicants respectfully submit that the pending application is in condition for allowance. If in the opinion of the Examiner a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

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